

Rhode Island Atomic Energy Commission

Meeting of April 5, 2013

16 Reactor Road

Narragansett, RI 02882

8:30 AM

Dr. Mecca called the meeting to order at 8:30 AM. The following individuals were present at the meeting:

Rhode Island Atomic Energy Commission:

Dr. Stephen Mecca, RIAEC Chairman

Dr. Andrew C. Kadak, Commissioner

Dr. Anthony Nunes, Commissioner

Dr. Barahm Nassersharif, Commissioner

Dr. Peter L. Gromet, Commissioner

Rhode Island Nuclear Science Center:

Mr. Jeffrey Davis, RINSC Assistant Director of Operations

Mr. Stephen Guarino, Assistant Director for Radiation and Reactor Safety

Ms. Constance Hathaway, RINSC Staff

Mr. Zachary Richards, RINSC Staff

Visitors/Observers:

Mr. David Johnson

Mr. Jerry Cobleigh

Mr. David Hathaway, Sr.

Mr. Joseph Moran

Mr. Robert Bruzzi

Introductions:

Dr. Mecca opened the meeting with a review of the agenda. Dr. Kadak passed out a signup sheet for the guests in attendance. Ms. Hathaway indicated that she is audio recording the proceedings of the meeting. Dr. Kadak also recorded the meeting.

Dr. Nassersharif pointed out that the term of Commissioner Nunes had expired on April 1, 2013 and he should not be allowed to vote on any matters at this meeting. Mr. Davis stated that Dr. Kadak's term expired last April and thus he should not be allowed to vote either. Dr. Nassersharif pointed out that the Commission endorsed Dr. Kadak's reappointment and that the departed director did not communicate this to the Governor. In January 2013, Mr. Davis himself sent a letter to the Governor at the request of the Commission recommending extension of the appointment for Dr. Kadak. Since the Governor has yet not acted on this request, Dr. Kadak's term is considered extended by the Commission. Dr. Mecca, as Chair, ruled that Dr. Nunes should be allowed to participate and vote on matters before the Commission at this meeting.

1. Approval of March 1, Draft Meeting Minutes:

A motion was made by Dr. Nassersharif to approve the minutes seconded by Dr. Kadak. Dr. Nunes proposed some modifications which were discussed; a motion to so amend failed to get a second. The vote on the minutes were approved 4 to 1 with Nunes voting no.

2. Relicensing of the Rhode Island Research Reactor

Mr. Davis reported the responses to the NRC on the first round of questions were submitted last month as requested. Dr. Kadak asked whether there were any open issues that needed attention by the staff to complete NRC's areas of inquiry. Mr. Davis reported that he expects another round of questions after this round is reviewed. Mr. Davis expected some additional questions on fuel failure analysis. Dr. Nassersharif asked about the LOCA analysis. The expected schedule is for completion of the relicensing is the end of this calendar year. Argonne National Laboratory is still supporting the center in responding to NRC questions. The license, once renewed, will be good for 20 years from date of issue. This would mean that the reactor could be operating through 2033.

3. Search for the New Director:

Dr. Mecca reported that both candidates declined our offer for

different reasons. Our top candidate found that even with the higher salary offered, the cost of living in RI and taxes ended up with a pay cut from his present position. The financial 'hit' was ~ 48%. The backup candidate could not accept the position in the time frame we need due to prior educational commitments.

The search has been reinitiated with a closing date for applications scheduled for May 31, 2013 due to placement requirements in nuclear journals. The announcement of the opening has been sent to American Nuclear Society local outlets and is posted on the ANS website.

4. HP Position Update

The state has yet to act on the Commission recommendation to reopen the search for a Health Physics person. Dr. Mecca reported that he has asked the Governor's office (the Chief of Staff and Chief Counsel) for the status but they were not able to provide any information on when they will decide.

5. Policy on RINSC Teaching Courses

The policy was handed out at the last meeting (and included in the March 1st minutes). A motion to accept the policy was made by Dr. Nassersharif and seconded by Dr. Gromet. During the discussion minor amendments were made and accepted by the Chair. The staff

proposed their own version of the policy which was discussed. The concern of the staff was that it did not give them the right to teach courses which they viewed as part of their educational mission. Dr. Mecca pointed out there is nothing in the policy that prevents them from teaching provided that their basic job at the reactor is not compromised. The Director of the Center will be the person deciding whether this additional responsibility would not interfere with their primary function of safe and efficient operation of the facility. The policy was amended to state that in the absence of a Director, the RI Atomic Energy Commission will make that determination.

Mr. Guarino inquired as to whether he will be allowed to teach a course (Radiation Physics 210) next fall. Dr. Mecca advised Mr. Guarino, in accord with the proposed policy, to submit a formal request in writing explaining the time required and justifying why this activity will not interfere with his Radiation Safety Officer duties. He was also asked to provide the contract the Center has with URI describing the Center's obligations as it relates to his duties.

A vote on the modified policy was taken with 4 votes in favor and 1 opposed (Nunes). The approved policy is attached to the minutes.

6. By-Laws of the Atomic Energy Commission:

Dr. Nassersharif presented copies of the suggested changes to the bylaws after his review. The suggested changes were relatively

minor. The changes were reviewed by the Commission. Independently, Dr. Nunes also presented changes to the bylaws. Each was also discussed in detail. The proposed bylaws as modified are attached. They will be voted on at the next meeting of the Commission.

7. Election of Vice Chair

According to existing bylaws, the Commission is to have a Vice Chair. Dr. Nassersharif, who has previously filled this position in the absence of the chair, was nominated by Dr. Kadak, seconded by Dr. Gromet. The vote was unanimous in favor. Dr. Nassersharif did not vote.

8. Old Business

a. Approval of January 2, 2013 Minutes

At the March 1, 2013 meeting the draft minutes of the January 2nd meeting were tabled since the commission did not have a chance to review them for completeness and accuracy. They were posted by the staff without Commission knowledge or approval. At the January meeting, the Commission appointed Dr. Kadak to take and be responsible for preparing the minutes of the Commission as required by the bylaws. Dr. Kadak reviewed the minutes and consulting with other commissioners for accuracy and relevance to the subject

matter. The revised draft minutes were distributed to all Commissioners prior to the meeting for review and comment.

Dr. Nassersharif moved to accept the minutes seconded by Dr. Kadak. The vote was 3 in favor, 1 opposed (Nunes) and 1 abstention (Gromet since he was not at the meeting in question).

b. Complaint Filed by Guarino, Davis, and Nunes Against the Commission

A complaint was filed with the Attorney General's office by the above named people alleging violations of the open meetings law of the state. Dr. Mecca reported that the Commission will be represented by an attorney from the state to reply to the complaint.

c. Update on the Floor Plan for the Center:

Mr. Richards sent RINSC floor plans to Dr. Nassersharif as requested. Dr. Nassersharif stated that he had conducted a preliminary review of the plans and that he is working on a set of policy recommendations regarding the use of space to come forward at the next meeting of the Commission. At the next meeting, the Commission will review the space utilization and implement policies regarding the utilization or reallocation of space for long term mission of the facility.

d. Failure Rate of Germanium Lithium Detectors

Dr. Mecca pointed out that the relatively high failure rate of the new detectors needs to be discussed with the vendor. Mr. Roberts agreed to make the contact to have the discussion and report back to the Commission.

e. Future Commission Meeting Reports by the Staff

While the last few meetings were preoccupied with other matters than the operation of the research reactor, Dr. Kadak requested that the staff prepare the following reports for subsequent meetings:

- 1. Reactor utilization – plans to increase**
- 2. Reactor operations – issues affecting safety and performance**
- 3. Hearings or meetings with state officials**
- 4. Budget performance**
- 5. Summary of NRC inspections or interactions**

Dr. Nassersharif requested that weekly reports be more informative in that significant items (not routine) be explained more than simply listing the activity. This would allow the Commissioners to be more up to date on current status that affect operations and other activities. In addition, the Commissioners have, in the past, accompanied the director to any hearings held at the state house concerning the reactor. The Commission requested that Mr. Davis provide advance notice of any meetings to the Commission so that

they may attend the meeting with whoever represents the RINSC.

d. Audit of the RINSC Financial Condition

Dr. Mecca questioned Mr. Davis as to whether the state had initiated an audit of the financial records of the RINSC as requested by the Commission in December. Mr. Davis reported that no contact was made. Dr. Mecca expressed some frustration as to the lack of response by the state on several important issues affecting the center.

The meeting was adjourned at 10:03 AM.

Respectfully Submitted,

**Andrew C. Kadak
Commissioner**

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BY-LAWS OF

THE RHODE ISLAND ATOMIC ENERGY COMMISSION

Article 1. GENERAL

1.01 Name - The name of this commission shall be the Rhode Island Atomic Energy Commission (Commission).

1.02 Location - The Commission shall be located in Narragansett, Rhode Island. The postal address shall be:

Rhode Island Atomic Energy Commission

Rhode Island Nuclear Science Center

1 Reactor Road

Narragansett, RI 02882

1.03 Authority and Purpose- The Rhode Island Atomic Energy Commission was established by Act of the General Assembly (Title 42, Chapter 27) in 1955. The Rhode Island Nuclear Science Center was established by Act of the General Assembly (Chapter 142, Laws of 1958) on May 20, 1958 and approval of the electorate in November, 1958. Title 42, Chapter 27 and Chapter 142, Laws of 1958 are a part of these by-laws.

The Commission shall possess and exercise the authority, power, duties and functions conferred by the provisions of sections 2, 3, 4, and 5 of 42-27 and section 6 of Chapter 142 and by any subsequent amendments thereto; and by the provisions of State laws, rules and regulations not inconsistent with the forgoing.

The Commission shall (1) make studies as to need, if any, for changes in laws and regulations administered by any agency of the state that would arise from the presence within the state of special nuclear materials and byproduct materials and from the operation herein of production or utilization facilities, and, on the basis of such studies, to make such recommendations to the governor and the general assembly for the enactment of laws or amendments to laws or the promulgation of regulations as may appear necessary and appropriate; (2) advise the governor and the general assembly with respect to atomic industrial development within the state; (3) coordinate the development and regulatory activities of the state relating to the industrial and commercial uses of atomic energy; (4) cooperate with the federal atomic energy commission and with like commissions or agencies of the other states in all matters relating to the purposes herein set forth; (5) contract for, construct and operate a nuclear reactor within the state for the purpose of research experimentation, training personnel, testing of materials and techniques, and for such other purposes related thereto which the commission shall deem necessary for the health, welfare, and economy of the people of this state; and in this respect to cooperate with and make available, under proper safeguards, the use of said reactor by the colleges, universities and industries of this state and to contract for and engage engineers, technicians, and other assistance; (6) recommend when it is appropriate for the Governor to enter into an agreement with the proper authorities of the federal government for transfer of regulatory responsibility from the United States Atomic

Energy Commission to the State of Rhode Island and Providence Plantations.

Article 2. MEMBERSHIP PROVISIONS

2.01 Appointment of Members- Pursuant to section 1 of 42-27, the Commission shall consist of 5 members to be appointed by the Governor, one of whom shall be designated by the Governor as chairman.

2.02 Terms of Office - During the month of March in each year, the Governor shall appoint a member to succeed the member whose term will then next expire to serve for a term of 5 years and until his successor shall be appointed and qualified.

(a) A member appointed to fill a vacancy shall serve only for the unexpired term.

(b) Any member shall be eligible to succeed himself/herself subject to a positive vote by at least three commissioners.

(c) Vacancies - In order to provide for a balance of skills on the Commission, the Commission shall submit to the Governor for his consideration, to the extent possible, the name of several nominees for each vacancy.

(d) Resignation - A member may resign at any time upon written notice to the Governor at least 15 days prior to the effective date thereof.

(e) Appointment of Designees - No member may appoint a designee to participate in the deliberations of the Commission meetings in the absence of such a member.

Article 3. ORGANIZATION

3.01 Officers - The Governor shall appoint the Chairman of the Commission. The Commission shall elect annually from among its own members a Vice-Chairman and a Recording Secretary, each of whom shall serve for a term of one year or until a successor is duly chosen and qualified.

3.02 Committees - The Commission may designate standing and ad hoc committees subject to the following provisions:

(a) The Chairman shall appoint the members of all committees and shall designate the Committee Chairman.

(b) Committees shall have no separate substantive powers or authority for actions or decisions not ultimately subject to the approval or disapproval of the Commission.

(c) Meetings of committees shall be conducted in accordance with the terms of and conditions imposed by Sections 5.1, 5.4, 5.6 and 5.8 of these by-laws.

(d) A quorum for the transaction of committee business shall consist of a simple majority of its members.

(e) The Chairman shall serve ex-officio as a member of all committees

but the Chairman shall not vote on matters of Committee business and shall not be counted for the purpose of determining the presence of a quorum of a committee.

(f) Committees may appoint such other officers and adopt such forms of organization and procedure as are not inconsistent with the specific provisions of these by-laws or with such general provisions respecting committees as may be imposed, from time to time by the Commission.

(g) The Chairman may appoint non-commissioners to committee membership. However, a non-commissioner appointee may not serve as Committee Chairman. In addition, the majority of committee members shall be commissioners.

Article 4. DUTIES OF OFFICERS

4.01 Chairman - The Chairman shall preside at all meetings of the Commission. He shall appoint the membership of all standing and ad hoc committees and shall designate the Committee Chairman. He may assign such additional duties to other members of the Commission as he deems necessary to assist him in the conduct of the work of the Commission and which are not inconsistent or conflicting with the duties prescribed for those officers by the legislation or by these by-laws.

4.02 Vice-Chairman - In the absence of the Chairman at any general or committee meeting, the Vice-Chairman shall be fully vested with all of

the duties and prerogatives of the Chairman. The Vice-Chairman shall otherwise assist the Chairman as required.

4.03 Recording Secretary - The recording secretary shall:

(a) Keep or cause to be kept at the office of the Commission a file of approved minutes of all meetings of the Commission, recording therein the time and place of holding, whether regular or special, the names of those Commission members present and absent, a record by individual members of any vote taken; and any other information relevant to the business of the Commission that any member of the Commission requests be included or reflected in the minutes, and the proceedings thereof;

(b) As custodian of the records of the Commission, have available at all reasonable times and exhibit on request therefor, to any member of the public, the by-laws, a current membership list, and/or the minutes of open meetings of the Commission subject to applicable statutory provisions;

(c) Perform such other duties as may be prescribed by the by-laws or which may be delegated by the Chairman or prescribed by vote of the membership.

(d) With approval of the Chairman, the Secretary may delegate part or all of his/her responsibility on a temporary basis and as needed to another commissioner or a member of the RINSC staff.

4.04 Vacancies; Removal - A vacancy in any elective office shall be

filled by the Commission for the unexpired term at any meeting, but such action shall await the receipt by the Commission of a report from a Committee duly appointed and constituted for the purpose of making nominations to vacant office. Any officer elected by the Commission may be removed from office with or without cause at any time by the affirmative vote of a majority of the entire membership of the Commission.

Article 5. MEETINGS

5.01 Open Meetings - Pursuant to General Law 42-46, every meeting of the Commission shall be open to the public unless closed by an affirmative vote of the majority of Commission members for one or more of the following reasons:

- (a) Any discussions of the job performance, character, physical or mental health of a person or persons provided that such person or persons affected may require that such discussions be held at an open meeting;**
- (b) Sessions pertaining to personnel matters, collective bargaining or litigation, or work sessions pertaining to the same;**
- (c) Discussion regarding the matter of security including but not limited to the deployment of security personnel or devices;**
- (d) Any investigative proceedings regarding allegations of misconduct either ethical, civil, or criminal;**
- (e) Any discussions or considerations related to the acquisition or**

lease of real property for public purposes, or of the disposition of public held property wherein advanced public information would be detrimental to the interest of the public;

(f) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

(g) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including but not limited to state lottery plans for new promotions. The vote of each member on the question of holding a meeting closed to the public and the reason for holding such a meeting, by a citation to at least one reason stated above shall be recorded and entered into the minutes of the meeting.

5.02 Annual Meeting - An annual meeting of the Commission shall be held during the last calendar quarter on a date to be designated by the Commission. At each annual meeting, the Commission shall:

(a) Elect officers to serve until the next annual meeting;

(b) Adopt and forward to the Governor (in January of next year) its recommendations for appointment of members to the Commission.

(c) Transact such other business relative to its organizational or other affairs, as it deems pertinent.

5.03 Business Meetings- All meetings at which the Commission is

formally convened to carry out its statutory responsibilities and functions, including the Annual Meeting, shall be business meetings.

5.04 Time and Place of Meetings -

(a) Meetings shall be held at such time and place as shall be specified in the call of the meeting.

(b) Business meetings shall be called at the direction of the chairman. The Chairman upon the request of two members of the Commission shall call a meeting in accordance with section 5.5.

(c) Committee meetings shall be held at the call of the Committee Chairman at a time and place designated.

5.05 Notice of Meetings -

(a) Public notice of all business meetings of the Commission shall be given by posting a notice of date, time and place on the State of Rhode Island Department of Administration website and at the front entrance of the Rhode Island Nuclear Science Center, at least five business days prior to the date of the meeting.

(b) Each member of the Commission shall be notified in writing of all business meetings, including the agenda thereof, at least five (5) business days prior to the date of the meeting.

(c) Nothing contained herein shall prevent the Commission from holding an emergency meeting at the discretion of the Chairman or request of at least two commissioners..

5.06 Rules of Order - All business meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised unless inconsistent with specific provisions of these bylaws.

5.07 Quorum- The presence of a majority of members shall constitute a quorum for the transaction of business at any regular or special meeting of the Commission. No business shall be acted upon by the membership of the Commission at any meeting at which a quorum, as herein defined, is not present and the only motion which the chair shall entertain at such meetings is a motion to adjourn the meeting to a stated time and place.

This shall not preclude the Commission from discussing issues of business in the absence of a quorum provided no action is taken on such terms of business. Adequate notice of the time and place of such adjourned meetings shall be made to the membership in accordance with the by-laws herein.

5.08 Voting- Each Commission member shall have one vote which shall be exercised only by that member and only when in attendance. The use of secret ballots is prohibited at business or committee meetings. The use of alternates or proxies likewise is prohibited.

Article 6. PUBLIC INPUT

Members of the public who wish to impart information to the Commission may express this desire to the Chairman. All information submitted to the Commission must be transmitted to the Chairman in writing at least 48 hours in advance of a meeting. By majority vote of the Commission, after a review of the written information, the individual may be asked to meet with the Commission for the purpose of providing information orally and/or answering questions. By majority vote, the Commission may limit the amount of time allowed a speaker for an oral presentation.

Article 7. AMENDMENT OF BYLAWS

These by-laws may be amended at a business meeting by the affirmative vote of three (3) members of the Commission; provided however, that the substance of the amendment to the by-laws shall have been stated at a previous business meeting and shall be restated in the notice of the meeting to the Commission at which final action on the proposed amendment is contemplated.

Final Policy Statement of RINSC Staff Teaching

Approved by the Rhode Island Atomic Energy Commission

April 5, 2013 Meeting

While the resources of the RINSC are and should continue to be made available to research and education users, there must be a clear understanding of what is and is not appropriate staff support for education. For purposes of this policy, a class is a session(s) that may be part of a course; a course is a complete series of classes or laboratory sessions constituting a credit or non-credit learning experience typically of duration equal to an academic term involving the planning and conduct of classes and/or lab sessions, assignments, assessments and grading. Sharing expertise in the form of a class for a school is an appropriate activity for a RINSC staff member; it is similar to the use of a guest lecturer or a field visit or seminar. Running a course for a school for a faculty member requires a written agreement/ contract in place with the Center, which agreement has been reviewed and approved by the Executive Director. This policy does not preclude a staff member having a part time faculty appointment at a college or university from conducting a course on her/his own time.

In the absence of an Executive Director, the Rhode Island Atomic Energy Commission will make that determination.